

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

**CONGREGATION ACHPRETVIA TAL
CHAIM SHAR HAYUSHOR, INC.,**

Case No. 16-10092(MEW)

Debtor.

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163 EAST 69TH REALTY, LLC,

Plaintiff,

-against-

**CONGREGATION ACHPRETVIA TAL
CHAIM SHAR HAYUSHOR, INC.,
a New York Religious Corporation,**

Defendant.

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**CONGREGATION ACHPRETVIA TAL CHAIM
SHAR HAYUSHOR, INC., a New York
Religious Corporation,**

Adv. Pro. No. 16-01047(MEW)

Third-Party Plaintiff,

-against -

**ALVIN H. GLICK, as a Director of Congregation
Achpretvia Tal Chaim Shar Hayushor, Inc.;**
**ALVIN H. GLICK, as Officer of Mautner-Glick
Corp.; MAUTNER-GLICK CORP., a New York
Business Corporation; CLAUDE CASTRO, ESQ.
Individually; CLAUDE CASTRO & ASSOCIATES
PLLC, a New York Professional Service Limited
Liability Company and HENRY KOHN, ESQ.,**

Third-Party Defendants.

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**ORDER REMANDING ADVERSARY PROCEEDING AND
MODIFYING AUTOMATIC STAY WITH RESPECT THERETO**

The above-captioned defendant, Congregation Achpretvia Tal Chaim Sharhayu Shor, Inc. (the “**Defendant**”), having filed, on March 4, 2016, a Notice of Removal, pursuant to 28 U.S.C. §§ 157 and 1452, and Rule 9027 of the Federal Rules of Bankruptcy Procedure, of the action captioned *163 East 69 Realty, LLC v. Congregation Achpretvia Tal Chaim Sharhayu Shor, Inc., a*

New York Religious Corporation, bearing Index No. 161573/2015 (the “**Action**”); the Action having been referred and transferred to this Court by the United States District Court for the Southern District of New York by order dated March 18, 2016; the plaintiff, 163 East 69 Realty, LLC (the “**Plaintiff**”), having filed on March 17, 2016 a motion (the “**Motion**”) seeking dismissal of the above-captioned chapter 11 case or, in the alternative, abstention and remand of the Action to the Supreme Court of the State of New York, County of New York [ECF # 21]; the Plaintiff and the Defendant having agreed to resolve the Motion consensually; and the Plaintiff and Defendant having consented to the relief set forth below,

IT IS HEREBY ORDERED, pursuant to 28 U.S.C. § 1452(b), that the above-captioned Adversary Proceeding No. 16-01047 (MEW) be immediately remanded to the Supreme Court of the State of New York, County of New York; and it is further

ORDERED, pursuant to 11 U.S.C. § 362(d), that the automatic stay under 11 U.S.C. § 362(a) is hereby modified to permit the prosecution and litigation of the merits of the Action and any claims and counterclaims asserted therein; *provided, however*, that the enforcement of any monetary judgment or judgment for specific performance against the Debtor shall be stayed pending further order of this Court; and *provided further*, that any compromise, settlement or other resolution of the Action by the parties shall be subject to this Court’s approval pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure.

Dated: New York, New York
September 16, 2016

s/Michael E. Wiles
HON. MICHAEL E. WILES
UNITED STATES BANKRUPTCY JUDGE